



# Florida Highway Patrol Policy Manual

<b>SUBJECT</b> OVERTIME	<b>POLICY NUMBER</b> 5.15	<b>ISSUE DATE</b> 08/22/2024
	<b>TOTAL PAGES</b> 9	<b>REVISION DATE</b>

## 5.15.01 PURPOSE

To provide Florida Highway Patrol members with established guidelines governing the earning of overtime and the scheduling of members for overtime programs.

## 5.15.02 AUTHORITY

Chapters 110, 115, and 321, Florida Statutes

Chapter 60L-34, Florida Administrative Code, Attendance and Leave

Federal Fair Labor Standards Act (FLSA)

HSMV Policy 5.01, Attendance and Leave

## 5.15.03 POLICY

This policy is established to provide guidance in the earning and scheduling of overtime and to implement procedures for all members while balancing the needs with the overall mission of the Florida Highway Patrol.

## 5.15.04 DEFINITIONS

- A. **COURT OVERTIME PAYMENT PROGRAM (COPP)** - An overtime program specifically designed to compensate sworn members for court appearances during non-scheduled hours. COPP time does not count as time worked towards the 16/72-hour limitations.
- B. **HIREBACK** – A form of scheduled overtime administered exclusively by the Division, pursuant to contractual agreements or grants in aid awarded to the Department by other governmental components.

- C. **INCIDENTAL OVERTIME** – Extra time earned during a work period, outside of the member’s scheduled work period.
- D. **MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP)** – An overtime program available to CVE members aimed to reduce the number and severity of crashes and hazardous material incidents involving Commercial Motor Vehicles (CMVs) through consistent, uniform, and effective CMV safety programs.
- E. **OTHER OVERTIME PROGRAMS** – There may be other, future overtime programs, whether state or federally funded, which will be available periodically, and which will have established procedures associated with them. Overtime earned under any additional programs will be governed by this policy and will be considered scheduled overtime.
- F. **SCHEDULED OVERTIME** – All overtime that is not incidental overtime is scheduled overtime. Scheduled overtime is administered by the Division. Scheduled overtime programs include but are not limited to SOAR, Hireback, COPP, and MCSAP. Scheduled overtime is not required to be offset.
- G. **STATEWIDE OVERTIME ACTION RESPONSE (SOAR)** - An overtime program funded with recurring budgeted monies, established for the purposes of augmenting regular patrol in its effort to reduce fatal and injury crashes. SOAR is scheduled overtime.

**5.15.05 OBJECTIVES**

- A. To provide guidelines for governing incidental overtime and scheduled overtime programs.
- B. To define overtime procedures.

**5.15.06 RESPONSIBILITIES**

- A. Troop/Bureau Commanders are responsible for:
  1. Ensuring that all incidental overtime is adequately monitored.
  2. Ensuring that steps are being taken to limit incidental overtime.
  3. Ensuring all instances involving alleged misuse or abuse of overtime are handled appropriately.

4. Ensuring that all overtime programs within the troops are properly managed through appropriate assignment and/or oversight.
- B. Supervisors are responsible for:
1. Reviewing overtime submissions for accuracy, including but not limited to People First and the daily activity log.
  2. Ensuring that incidental overtime is limited to only that which is absolutely necessary according to any particular circumstance. Every effort should be made to work with members to offset any hours earned from duties extending beyond a member's regular scheduled shift.
- C. Members are responsible for:
1. Accurately entering their work, leave, and/or overtime hours in the People First system and in the daily activity log.
  2. Completing and submitting all written and/or electronic forms associated with the reporting of any overtime.
  3. Notifying their supervisor as soon as practicable when incurring additional hours from duties extending beyond the member's regularly scheduled shift.

#### **5.15.07 PROCEDURES**

##### **A. INCIDENTAL OVERTIME**

Members may be required under certain conditions to remain on duty past their regularly scheduled shift. Additionally, members may be called to respond to work prior to the start of their regularly scheduled shift. In these circumstances, members may earn incidental overtime. Under most circumstances, only included members are authorized to earn incidental overtime. Included members who work extra hours beyond their regular shift must record the extra hours on their People First timesheet.

1. The following procedures govern the regular management of incidental overtime for included members.
  - a. Where a member works or is scheduled to work hours in excess of their regular schedule, the state has the ability to adjust the member's schedule as long as it occurs within the same work period and provided the employee receives

adequate notice of the adjustment prior to the commencement of the employee's adjusted shift.

- (1) For a 40-hour week period, notice prior to the commencement of the employee's adjusted shift.
- (2) For an 80-hour work period, 24 hours notice.
- (3) For a 160-hour work period, 36 hours notice.

FHP shall not require a member to split a workday into two or more segments without the mutual agreement of the employee and the employer. The state will make a good faith effort to offset such extra hours in eight-hour increments.

- b. To avoid overtime liability, supervisors are expected to make every effort to offset extra hours in the same work period in which they were earned by adjusting member's work schedules.
- c. The purpose of authorized incidental overtime is to appropriately compensate sworn members who are required to work more hours than their regular work period as a consequence of their job responsibilities when such work occurs outside of the control of the member and when offsetting those hours is not possible.
- d. Members must receive prior authorization from a supervisor before accruing incidental overtime, unless an unavoidable incident occurs, such as a DUI arrest at the end of shift. The member will notify a supervisor as soon as practical when incidental overtime hours are worked, so the supervisor can appropriately adjust the member's schedule to offset the hours, as described in section (a).
- e. Supervisors shall avoid scheduling overtime when making schedules for training. If the training would be on a member's days off, it is permissible to change their regular days off to accommodate the training. Supervisors shall be aware of the 14 day notice required for schedule changes.
- f. If a member becomes aware of a scheduling issue which will cause them to earn incidental overtime (e.g., assigned training or travel outside their regular work hours), they will

immediately notify their supervisor. The member's supervision will determine the need for the use of overtime and how the overtime should be reported.

- g. Anytime an included member is required to work time in excess of the hours set for the established work period, the member may choose to either be paid at time and a half for the extra hours (incidental overtime) or earn Federal Fair Labor Standards Act (FLSA) Special Compensatory Leave at a rate of one and one-half times the number of excess hours worked.
  - (1) FLSA Special Compensatory Leave not used by the end of the month in June and December will be paid to the member.
  - (2) With supervisory approval, FLSA Special Compensatory Leave may be taken in any increment at the discretion of the member.
  - (3) Included members may accrue up to 100 hours of FLSA special compensatory leave. Recruits in training at the FHP Academy are exempt from the 100-hour maximum accrual while they are in trainee status.
- 2. Excluded members who have worked extra hours at the end of their monthly work period will accrue regular compensatory leave on an hour-for-hour basis for the extra hours worked. The maximum balance that may be accrued is 240 hours.
- 3. Only under certain conditions, where federal or other assistance is received, are other classes authorized to earn incidental overtime. In those instances, specific instructions will be provided to members of the authorized classes.

## B. SCHEDULED OVERTIME PROGRAMS

### 1. SOAR

- a. The purpose of SOAR overtime is to augment troop staffing in furtherance of improving response times and to enhance enforcement efforts to reduce traffic crashes.

- b. The allowable SOAR hours to work per pay period will be set by memorandum.
- c. SOAR shifts should be worked in a minimum of two (2) hour blocks, unless approved by a supervisor.
- d. When a member works SOAR and the member has not worked their contracted regular hours in the work period, no actual overtime is earned.
- e. Members working SOAR overtime shall complete an activity entry for SOAR on their daily activity log. Members shall ensure the daily activity log entry is accurate and includes their mileage and activity counts..

## 2. HIREBACK

The Administration of Hireback is covered in FHP Policy 5.09, Administration of Hireback Programs.

## 3. COPP

Upon availability of funds, overtime pay may be authorized for duty-related court appearances by included class members with the following provisions:

- a. Members must notify their supervisor when a subpoena is received that requires the member to appear in court outside the member's regular shift. All overtime payment for court must be approved in advance by a supervisor. The supervisor is responsible for verifying that the appearance meets the guidelines in this policy before approving the appearance for overtime pay.
- b. Generally, only the arresting or citing member may earn overtime pay. In addition, the following are eligible for overtime payment:
  - (1) FHP pilots in aircraft initiated cases
  - (2) Operators of speed measuring devices
  - (3) Breath test operators employed by the Division are also authorized overtime payment when subpoenaed

to testify in cases in which they conducted the breath test.

- (4) The crash investigator and traffic homicide investigator in fatal crash cases.
  - (5) Other members subpoenaed as witnesses may be approved for overtime pay by a supervisor on a case-by-case basis.
- c. Excluded members who have worked extra hours at the end of their monthly work period will accrue regular compensatory leave on an hour-for-hour basis for the extra hours worked. The maximum balance that may be accrued is 240 hours.
  - d. Overtime will only be paid for those hours in excess of the hours set for the established work period. If leave is taken during the established work period, the hours worked attending court shall be used to offset those hours on an hour-for-hour basis.
  - e. The overtime pay rate shall be one and one-half times the member's regular hourly rate.
  - f. Collective bargaining contract provisions for minimum hours for court appearances outside the member's regular shift shall apply to overtime pay.
  - g. Members shall not be credited for multiple two and one-half hours periods of minimum court in a single day, unless successive court times are separated by at least two and one-half hours and multiple periods are pre-approved by a supervisor.
  - h. Members shall not remain on-duty when court is separated by more than two and one-half hours, unless remaining on-duty is approved by a supervisor.
  - i. Members may work ODPE, scheduled overtime or other secondary employment in conjunction with virtual court proceedings. However, members are not authorized to attend court while working ODPE, scheduled overtime (other than COPP), or other secondary employment.

- j. Members requesting overtime pay shall use "COPP OVERTIME" as the activity on their daily activity log. .
- k. Members shall not receive overtime pay when they are placed on standby or for court-related telephone calls. Members on standby shall not report to court unless instructed to by the court, state attorney, other officer of the court, an FHP supervisor, troop legal advisor, or court liaison.
- l. Members paid overtime for court appearances shall not retain the daily witness fees or mileage. Such fees will be submitted to the Department.

4. MCSAP

Commercial Vehicle Enforcement members are authorized MCSAP overtime periodically throughout the year.

- a. The management and reporting of this time is handled by procedures established within those troops designated with the responsibility of commercial vehicle enforcement.
- b. All hours associated with this program are considered scheduled overtime.

C. REGULATIONS

Scheduled overtime is not required to be offset.

- 1. A member may work no more than 72 hours in any combination of regular scheduled on-duty hours, scheduled overtime, secondary employment, or ODPE in each workweek, Friday through Thursday. Travel time for ODPE shall not count as time worked for purposes of determining the 72-hour limitation; however, travel time returning from an escort will count towards the 16-hour workday, as indicated in Section 3 below.
- 2. Members' work hours for all scheduled overtime shall be planned and worked in a manner that does not conflict or interfere with the member's ability to meet their performance expectations.
- 3. Members may not work a combination of regularly scheduled on-duty hours, scheduled overtime, secondary employment, ODPE, or the time it takes to return from an escort of more than 16 hours in any 24-hour period.



4. Court time occurring outside a member's regularly scheduled duty hours shall **not** count as time worked for purposes of determining the 72-hour or 16-hour limitations contained in this section.
5. Unscheduled incident-related extra/overtime hours shall not count as time worked for the purposes of determining the 72-hour or 16-hour limitations contained in this section.
6. In the event a member takes annual or compensatory leave during the workweek, they are authorized to work additional hours of scheduled overtime not to exceed the number of annual/compensatory leave hours taken.
7. Members using personal or family sick leave may not work scheduled overtime for the 24-hour period commencing with the beginning of the shift for which the member was unable to report for duty.
8. Personal or family sick leave shall not be used to enable the member to work additional hours of scheduled overtime. Personal or family sick leave will be considered the same as time worked for the purposes of determining the total hours of scheduled overtime authorized by this section.